

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2447 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?
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ROTARY CLUB OF AHMEDABAD

Versus

COMPETENT AUTHORITY & DEPUTY COLLECTOR (ULC)

Appearance:

MR PM BHATT for Petitioner

GOVERNMENT PLEADER for Respondent Nos. 1-2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 01/08/2002

ORAL JUDGEMENT

1. The petitioner - Rotary Club has filed this petition under Articles 226 and 227 of the Constitution of India and prayed that the impugned order [Annexure-A] dated 26th February, 1990 and impugned judgment and order [Annexure-B] dated 23rd March, 1992 be hereby quashed and set aside. This petition was straightway admitted on 2nd

April, 1993 by the learned single Judge of this Court and ad-interim relief in terms of para 9(C) was granted, which is operating till today, whereby the impugned orders at Annexure-A and B have been stayed.

2. During the pendency and final disposal of this petition, the Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, which has come into force. In view of the Repeal Act, 1999, this petition does not survive and all the proceedings initiated under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question stand abated and this petition has to be disposed of, as having been abated.

3. In the instant case, there is no dispute about the possession of the land in question. As a matter of fact, there has been construction on the land in question, which is found from the impugned orders itself as well as averment made in this petition, which have remained uncontroverted. No reply affidavit is filed in the matter so far, though the matter is pending since last 9 years. Therefore, no order is required to be passed regarding the possession.

4. In view of the above discussion and in view of the Repeal Act, 1999, which came into force, this petition is disposed of as abated. Ad-interim relief, if any, granted earlier stands vacated. Rule is discharged. No order as to costs.

[B. J. SHETHNA, J.]

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